

Appl. No. 10/050,347

**REMARKS**

Claims 29 and 37 are amended. Claims 29-40 are pending in the application.

Claims 29-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moore, U.S. Patent No. 6,649,543. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 29-40 are allowable over Moore for at least the reason that Moore fails to disclose each and every element in any of those claims.

As amended, independent claim 29 recites exposing a gate oxide layer to activated nitrogen, thermally annealing the nitrogen, and forming a conductive layer on and in direct physical contact with the gate oxide layer. The amendment to claim 29 is supported by the specification at, for example, Fig. 4 and the accompanying text at page 8, line 10 through page 9, line 9. Moore discloses formation of a nitrogen comprising region 22 formed on and/or within an oxide layer 18 (col. 3, ll. 14-15) and forming a layer of silicon nitride 24 over a nitrogen-enriched portion of silicon dioxide (col. 5, ll. 30-33 and Fig. 5). Moore does not disclose or suggest the claim 29 recited forming a conductive layer on and in direct physical contact with a gate oxide layer. Accordingly, independent claim 29 is not anticipated by Moore and is allowable over this reference.

Claim 37 is amended to properly depend from independent claim 29. The amendment to claim 37 is further supported by the specification at, for example, Fig. 4 and the accompanying text at page 8, line 10 through page 9, line 9. Dependent claims 30-40 are allowable over Moore for at least the reason that they depend from allowable base claim 29.

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For the reasons discussed above, pending claims 29-40 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner's next action.

Respectfully submitted,

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By: \_\_\_\_\_

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